

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

DANIEL B. KARRON,

Defendant.  
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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

**WHEREAS** on November 24, 2008, the United States of America ("Government") commenced the above-captioned action against Daniel B. Karron ("Dr. Karron"); and

**WHEREAS** on June 18, 2010, the Government filed a motion for summary judgment as to the False Claims Act causes of action in the complaint; and

**WHEREAS** on August 23, 2010, Dr. Karron submitted her opposition to the Government's motion, which consisted of, inter alia, a memorandum of law, a counterstatement of material fact pursuant to Local Civil Rule 56.1, various affidavits, and exhibits thereto; and

**WHEREAS** on September 17, 2010, the Government filed its reply memorandum of law in support of its motion for summary judgment, which was timely filed following a court-ordered extension; and

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**ORDER**

08 CV 10223 (NRB)

**WHEREAS** on March 23, 2011, the Court granted in part the Government's motion for summary judgment on its False Claims Act claims; and

**WHEREAS** the Government advised the Court that it had withdrawn its request for additional civil penalties and had elected not to pursue the remaining state law causes of action in its complaint; and

**WHEREAS** on April 13, 2011, the Court entered a judgment against Dr. Karron; and

**WHEREAS** on April 19, 2011, Dr. Karron filed a motion to correct the record in anticipation of a forthcoming appeal; and

**WHEREAS** this Court has reviewed Dr. Karron's motion and has directed the Clerk of the Court to docket the following material:

- i. The Declaration of Eric A. Eisen in Opposition to Plaintiff's Motion for Summary Judgment, dated August 30, 2010;
- ii. Pages CAC-332 to CAC-359 of the exhibits attached to the Declaration of Deborah Ann Dunlevy in Opposition to Plaintiff's Motion for Summary Judgment, dated August 23, 2010;
- iii. Pages HABAC-565 to HABAC-593 of the exhibits attached to the Declaration of Deborah Ann Dunlevy

in Opposition to Plaintiff's Motion for Summary Judgment, dated August 23, 2010;

iv. Pages HABAC-600 to HABAC-636 of the exhibits attached to the Declaration of Deborah Ann Dunlevy in Opposition to Plaintiff's Motion for Summary Judgment, dated August 23, 2010;

v. The NIST ATP Proposers Conference 2007 video file; and

**WHEREAS** the Clerk of the Court has docketed the above-mentioned material as docket entries 41, 32-19, 32-20, 32-21, and 43, respectively; and

**WHEREAS** cover letters traditionally are not docketed; and

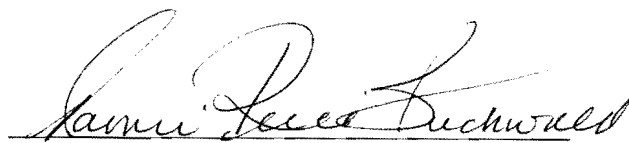
**WHEREAS** cases, statutes, and secondary sources cited in Dr. Karron's opposition traditionally are not docketed because this Court, and the Second Circuit, can independently access that material; and

**WHEREAS** the other documents referenced by Dr. Karron in her motion to correct the record are properly docketed and available through the Case Management/Electronic Case Filing ("ECF") system and/or through the court's hard copy file, including the Declaration of D.B. Karron, dated August 23, 2010, and the exhibits thereto; and

**WHEREAS** the Government's reply brief, dated September 17, 2010, was timely filed and there is no colorable basis for striking it from the record; it is hereby

**ORDERED** that Dr. Karron's motion to correct the record (docket no. 39) is granted only to the extent described herein and is otherwise denied and the Clerk of the Court need not take any further action to supplement the record.

Dated: New York, New York  
May 5, 2011

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Copies of the foregoing Order have been mailed on this date to the following:

**Attorneys for Plaintiff**

Michael J. Byars  
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New York, NY 10007

**Defendant**

D.B. Karron  
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